

EPA Region 3  
Media Inquiry

Tom Pelton – (5/18/20)  
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Public Radio – WYPR 88.1 FM in Baltimore

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INQUIRY:

Hello, Terri.

Maryland, Virginia and the District of Columbia filed a notice of intent to sue EPA today over its alleged failure to enforce the Chesapeake Bay cleanup plan (the Bay TMDL), especially regarding Pennsylvania and New York State.

Two questions for my public radio program, "The Environment in Focus":

1) What is EPA's response to this legal action?

**EPA provided statement on 5/18/20.**

2) Why hasn't EPA threatened Pennsylvania to force it to upgrade its sewage plants to the same "Enhanced Nutrient Removal" standards for nitrogen that Maryland, Virginia and the District of Columbia are following as they have modernized their sewage plants? EPA and the federal Clean Water Act have direct authority over point sources like this -- unlike in agriculture, where EPA has less authority -- and yet EPA has allowed Pennsylvania to follow a much more lax standard for its wastewater plants than MD, VA or DC. Why?

3) Pennsylvania's capital, Harrisburg, released about 900 million gallons of sewage mixed with stormwater last year into the Bay's biggest tributary, the Susquehanna River -- including waste piped directly from the Governor's Mansion and State Office Complex. Why did EPA sign a "partial consent decree" with Harrisburg Capital Region Water in 2015 that allows this sewage dumping to continue indefinitely? Why won't EPA require the PA government to stop dumping its sewage directly into the Susquehanna?

**EPA RESPONSE:**

Tom,

In response to your questions, EPA provides four key points which offer clarity and context in understanding EPA's actions and goals working cooperatively with Pennsylvania to restore the health of Pennsylvania's waters and the Chesapeake Bay.

**Point #1:** EPA and Pennsylvania have long recognized that requiring enhanced nutrient removal (ENR) at waste water treatment facilities in PA would be particularly ineffective in attaining the necessary reduction in nitrogen loadings to its waters and the Chesapeake Bay. As such,

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Pennsylvania's wastewater treatment sector commitment has remained at BNR, and nearly \$1.2 billion has been invested in upgrading facilities to meet the BNR standards.

Nonpoint sources, primarily from Agriculture, are the largest contributor of nutrients to the Bay. By comparison in Pennsylvania, 8.4% of nitrogen is attributed from wastewater, while 58.2% of nitrogen is attributed to agriculture, based on 2018 progress.

Pennsylvania chose in all 3 phases of WIP development to achieve most of its pollutant reductions by implementing best management practices (BMPs) in the agricultural sector (92% for nitrogen and 72% for phosphorus). EPA continues to support the Commonwealth's efforts to achieve success in the Agricultural sector, which is key to the overall success of Pennsylvania's contribution to the CBP partnership's restoration effort.

**Point #2:** On average, BMPs placed in the agricultural sector have been identified as the most cost effective BMPs for reducing nitrogen loads. Data collected on BMP cost efficiency show the average cost per pound of nitrogen reduction for agricultural BMPs is approximately \$24, in today's dollars. EPA believes working with the agricultural sector in the Commonwealth by providing as much financial, technical and administrative assistance as is possible can result in Pennsylvania meeting its 2025 commitment. Therefore, in our WIP III evaluation, EPA offered significant assistance to the state in areas that we believe will be successful in making the additional reductions Pennsylvania needs to meet its goals. The most recent example of this is that on May 18, EPA announced the allocation of \$6 million to the Chesapeake Bay states to improve water quality by reducing nitrogen from agricultural operations. Of that funding, \$3.7 million will go to Pennsylvania to support agricultural BMPs.

**Point #3:** The Chesapeake Bay Partnership's modeling tool indicates that overflows of combined sewer systems in Pennsylvania comprise a small percentage of nutrient and sediment pollutant loads to local waterways. In the Chesapeake Bay watershed, there are 39 existing CSO systems in Pennsylvania, including the City of Harrisburg, and these total loads are estimated to be about 0.9% of the Commonwealth's total Nitrogen load; 3.0% of its total Phosphorus load, and 0.3% of its total Sediment load.

**Point#4:** Federal regulations and EPA's NPDES CSO policy do not require elimination of CSOs. While that is certainly one path, the policy goal is to control CSOs to meet technology and water quality-based requirements of the Clean Water Act (CWA), including meeting water quality standards and protecting designated uses, while providing an opportunity for public input during the decision-making process

Capital Region Water in Harrisburg is a permitted facility with a Long Term Control Plan for managing its CSOs. EPA, US DOJ, and PADEP negotiated a Partial Consent Decree with the City of Harrisburg and CRW for numerous reasons. EPA also worked with the state to have the City of Harrisburg form a separate authority in which revenue from its rate payers and whole sales

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customers was dedicated to the repair and renovation of the wastewater system. EPA is continuing to work diligently with CRW to make improvements to their plan.